

RESPONSE under 37 C.F.R. § 1.111
U.S. Appln. No. 10/027,978

REMARKS

By this amendment, Applicant cancels claims 1-13 and 29-33 (non-elected claims withdrawn from consideration) thus claims 14-28 are all the claims pending in the application. Claims 14-28 stand rejected. Reconsideration and allowance of all pending claims are respectfully requested in view of the following remarks.

OBJECTIONS.

SPECIFICATION and ABSTRACT

The Office Action continues to object to Applicant's specification under 37 C.F.R. § 1.71 as failing to provide for a description of preferred embodiments, essentially on the grounds that there is significant use of the terms "may be" or "may." To date, the Office Action has not provided any regulatory basis or legal precedent for objecting to the use of the words "maybe" or "may" in the specification. Applicant respectfully submits that this is because none exist and these terms are commonly used in patent applications to prevent unwarranted restrictive interpretation of claims based on language in the specification. There is indisputably a section of the instant application entitled "Detailed Description" which describes various embodiments of Applicant's invention. Accordingly, the instant specification is fully in compliance with 37 C.F.R. § 1.71.

The Office Action continues to object to the Abstract as not being within the "range of 50 to 150 words," i.e., not at least 50 words. (6/3/05 Office Action pg. 5.) As a general note, the Examiner appears to be attempting to prevent the Applicant from using the words of its own choosing in its application (objection above) and/or require the Applicant to include a minimum number of words to describe its invention, regardless of whether Applicant's disclosure actually meets the legal or regulatory requirements of Title 35 or 37 C.F.R. Applicant respectfully believes such objections are improper and without proper legal basis.

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For example, 37 C.F.R. § 1.72 only requires that the abstract quickly inform a reader of the “nature and gist of the technical disclosure.” While Applicant continues to disagree with both objections, by this amendment, Applicant has attempted to comply with the “suggested” minimum number of words in the Abstract. Applicant does not however, acquiesce to making multiple amendments to the specification to omit the terms “may” or “maybe” simply to accommodate personal preference. The Examiner is respectfully directed to MPEP 2173.02 (relating to impropriety of insisting on specific language) in this regard. Reconsideration of the objections to the specification and abstract are respectfully requested.

CLAIM REJECTIONS.

35 U.S.C. § 112 (first paragraph)

Claims 14-28 are finally rejected under 35 U.S.C. § 112, first paragraph, as failing to disclose the best mode contemplated by the inventor at the time of filing. Applicant respectfully traverses this rejection for the following reasons.

The Office action continues to take the position that the frequent use of the terms “may be” or “may” in describing Applicant’s embodiments, relates to concealment of the best mode. Respectfully, the Examiner appears to have a fundamental misunderstanding of the requirements of the first paragraph of 35 U.S.C. § 112. It is well established that “[t]here is no requirement in the statute that applicants point out (or “identify”) which of their embodiments they consider to be their best; that the disclosure includes the best mode contemplated by applicants is enough to satisfy the statute.” *Ernsthausen v. Nakayama*, 1 USPQ2d 1539 (Bd. Pat. App. & Inter. 1985) (emphasis added).

Regardless of which variations could be tried in the detailed description based on the use of the terms “may” or “maybe,” Applicant respectfully submits the best mode of the invention is

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present in at least one of the various embodiments and thus the instant specification fully meets all requirements of 35 U.S.C. § 112.

In the instant case, the Examiner has not even alleged that the best mode is not disclosed in the application, only that Applicant has not specifically identified which variations are considered to be the best mode in the application. By way of example, the Examiner alleges that because of Applicant's use of alternative language, "it is not possible to identify Applicant's best mode." Respectfully, this is representative of the fundamental misunderstanding. Applicant is not required by any regulation, statute or precedence to "identify" its best mode, only that it be disclosed in the application. Further, Applicant challenges the Examiner to find a single precedence in which an Applicant's use of alternative language in its specification was found to be a concealment of its best mode. Absent some precedence, Applicant respectfully submits the 112 rejection is contrary to well established law and the rejection is improper on its face.

In respect to the Examiner's comments about Applicant's claiming an MMU in claim 24 allegedly being in contrast to the specification, Applicant once again notes that the specification page 2 read in context, refers to potential adverse consequences for "use" of an MMU for performing address translations, not that an MMU should be precluded from being present. Further, certain of Applicant's embodiments specifically reference an MMU (e.g., 150; Fig. 1) in connection with a separate table walk device and memory controller and thus Applicant is entitled to claim such embodiments. Applicant does not believe the Examiner has addressed these arguments in its response. For the foregoing reasons, Applicant requests reconsideration and withdrawal of this rejection.

35 U.S.C. § 102(e)

1. Claims 23-24 and 26-28 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,681,311 to Gaskins et al. (hereinafter "Gaskins"). Applicant respectfully traverses this rejection for the following reasons.

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The Office Action alleges that the limitation of claim 23 which recites "*a discrete memory controller adapted to perform a table walk operation*" is disclosed by Gaskins as element 106 (Fig. 7). Respectfully, the Office Action incorrectly interprets Gaskins table walk logic element 106 as being analogous to Applicant's claimed discrete memory controller alleging "[a]pplicant has failed to show any other functionality performed by the discrete memory controller other than table walk functions." (6/3/05 Office Action pg. 14). Applicant disagrees; the Office Action overlooks the plain meaning of the term of a discrete "memory controller" and that which one of ordinary skill in the art would understand it to mean. Table walk logic 106 of Gaskins is part of a processor data unit 700, it is not a discrete memory controller. The mere allegation that Gaskin logic 106 and Applicant's memory controller both perform table walks does not make logic 106 a discrete memory controller. Applicant would kindly point out that it is not claiming that the idea of performing table walks is new, rather in certain of Applicant's embodiments, it is an improved system/configuration for performing table walks which provides advantages over the existing prior art, including Gaskins.

Because Gaskins fails to teach or suggest at least a discrete memory controller adapted to perform a table walk operation, Gaskins cannot anticipate claim 23 or the claims which depend there from. (Applicant refers the Examiner to Fig. 1 and corresponding description of the instant application for proper understanding of the claimed discrete memory controller).

For the foregoing reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the §102(e) rejection based on Gaskins.

2. Claims 14, 17 and 20 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,658,538 to Armilli et al. (hereinafter "Armilli"). Applicant respectfully traverses this rejection for the following reasons.

Armilli discloses a system similar to the types for which Applicant invention improves on. Namely, Armilli discloses a system in which table walks must access memory through a MUX or interface unit 25. This results in added latency as requests from the MMU must travel

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through several levels of logic and/or a clock domain. However, embodiments of Applicant's invention may reduce this degree of latency by having the table walk device "connected" to the memory controller (e.g., closer to the actual memory). Since Armilli fails to teach or suggest a table walk device which is "connected" to a memory controller (see for example, Armilli Fig. 2), Armilli cannot anticipate Applicant's claim 14 or the claims which depend there from. See, for example, Applicant's specification at page 4, line 1 for proper interpretation of "connected."

35 U.S.C. § 103(a)

Claims 14-18 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,666,509 to McCarthy et al. (hereinafter "McCarthy") in view of U.S. 5,937,437 to Roth et al. (hereinafter "Roth"), U.S. Patent 4,766,537 to Zolnowsky and/or Gaskins in view of McCarthy. Applicant respectfully traverses these rejections for the reasons below.

Applicant disputes the alleged motivation for combining references as purely speculative and non-objective. Further, ignoring the impropriety of the motivation to combine references, the Office Action relies on McCarthy and/or Gaskins disclosing the majority of subject matter of independent claims 1 or 23. However, these assumptions are incorrect. By way of example, McCarthy, Gaskins, Roth and Zolnowsky, taken alone or in any combination, fail to teach or suggest a table walk device "connected" to a memory controller as recited in Applicant's claim 1 or a discrete memory controller adapted to perform a table walk as recited in Applicant's claim 23.

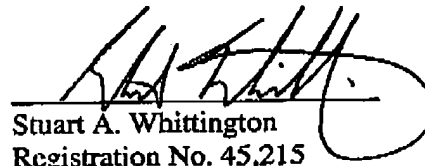
Because the cited prior art references, alone or in combination, fail to teach or suggest at least these features of Applicant's independent claims, *prima facie* obviousness has not been established in regard to any of Applicant's claims and the §103 rejections of record must be withdrawn.

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CONCLUSION.

In view of the above, reconsideration and allowance of this application is now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below. Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee or deficiency thereof, except for the Issue Fee, is to be charged to Deposit Account # 50-0221.

Respectfully submitted,


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